

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Sorrells *et al.*

Appl. No. 09/770,675

Filed: January 29, 2001

For: **Wireless and Wired Cable Modem
Applications of Universal
Frequency Translation
Technology**

Confirmation No. 5430

Art Unit: 2683

Examiner: Nguyen, L.

Atty. Docket: 1744.0140005

#7/B PRE
B.D.
5-22-02

Second Preliminary Amendment

RECEIVED

Commissioner for Patents
Washington, DC 20231

MAY 21 2002
Technology Center 2600

Sir:

Prior to examination of the captioned application, please enter the following Amendment. This Amendment is provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments. 37 C.F.R. § 1.111 and MPEP 714; and
- (C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 CFR § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 19-0036.

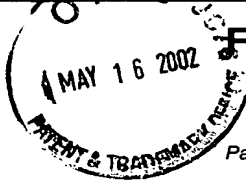
RECEIVED TELETYPE UNIT 05/22/02 09:00 AM

37 CFR 1.136(a)

37 CFR 1.136(a)

11/06/2003 EDVEMP0 00000002 190036 09720675

01 FC:1202 108.00 DA

<div style="float: left; width: 150px; text-align: center;">  </div> <div style="float: right; width: 300px;"> <h2 style="margin: 0;">FEE TRANSMITTAL for FY 2002</h2> <p style="margin: 0; font-size: small;">Patent fees are subject to annual revision.</p> </div> <div style="clear: both;"></div>				Complete if Known																																																																																																																																																																																																																																																																																			
TOTAL AMOUNT OF PAYMENT (\$) 462.00				Application Number 09/770,675																																																																																																																																																																																																																																																																																			
METHOD OF PAYMENT (check one)				Filing Date January 29, 2001																																																																																																																																																																																																																																																																																			
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: Deposit Account Number 19-0036 Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C. <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27				First Named Inventor David F. Sorrells Examiner Name Nguyen, L. Group Art Unit 2683 Attorney Docket No. 1744.0140005																																																																																																																																																																																																																																																																																			
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other* <small>*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.</small>				3. ADDITIONAL FEES <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>130</td><td>123</td><td>130</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>481</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> </div> <div style="width: 50%;"> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> 1. BASIC FILING FEE <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>330</td><td>206</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>510</td><td>207</td><td>255</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>160</td><td>214</td><td>80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (1) (\$)</td><td></td></tr> </tbody> </table> </div> <div> 2. EXTRA CLAIM FEES <table style="width: 100%; font-size: x-small;"> <tr> <th></th> <th>Extra</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> <tr> <td>Total Claims 52 - 31** = 21</td> <td>X</td> <td>\$18</td> <td>= \$378.00</td> </tr> <tr> <td>Indep. Claims 4 - 3** = 1</td> <td>X</td> <td>\$84</td> <td>= \$ 84.00</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td>=</td> </tr> </table> </div> </div> </div> <div style="width: 45%;"> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102</td><td>84</td><td>202</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>104</td><td>280</td><td>204</td><td>140</td><td>Multiple dependent claim</td><td></td></tr> <tr><td>108</td><td>84</td><td>209</td><td>42</td><td>**Reissue independent claims over original patent</td><td></td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td>*Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (2) (\$)</td><td>462.00</td></tr> </tbody> </table> </div>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	640	Petition to revive - unintentional		142	1,280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	130	123	130	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	481	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	101	740	201	370	Utility filing fee		106	330	206	165	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee		SUBTOTAL (1) (\$)							Extra	Fee from below	Fee Paid	Total Claims 52 - 31** = 21	X	\$18	= \$378.00	Indep. Claims 4 - 3** = 1	X	\$84	= \$ 84.00	Multiple Dependent			=	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	84	202	42	Independent claims in excess of 3		104	280	204	140	Multiple dependent claim		108	84	209	42	**Reissue independent claims over original patent		110	18	210	9	*Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$)					462.00
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee paid																																																																																																																																																																																																																																																																																		
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																																																																																																			
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																																																																																			
139	130	139	130	Non-English specification																																																																																																																																																																																																																																																																																			
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																																																																																																																			
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																																																			
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																																																			
115	110	215	55	Extension for reply within first month																																																																																																																																																																																																																																																																																			
116	400	216	200	Extension for reply within second month																																																																																																																																																																																																																																																																																			
117	920	217	460	Extension for reply within third month																																																																																																																																																																																																																																																																																			
118	1,440	218	720	Extension for reply within fourth month																																																																																																																																																																																																																																																																																			
128	1,960	228	980	Extension for reply within fifth month																																																																																																																																																																																																																																																																																			
119	320	219	160	Notice of Appeal																																																																																																																																																																																																																																																																																			
120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																																																																																																																																			
121	280	221	140	Request for oral hearing																																																																																																																																																																																																																																																																																			
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																			
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																																																			
141	1,280	241	640	Petition to revive - unintentional																																																																																																																																																																																																																																																																																			
142	1,280	242	640	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																			
143	460	243	230	Design issue fee																																																																																																																																																																																																																																																																																			
144	620	244	310	Plant issue fee																																																																																																																																																																																																																																																																																			
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																			
123	130	123	130	Petitions related to provisional applications																																																																																																																																																																																																																																																																																			
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																																																			
581	40	481	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																			
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																																																																																			
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																																																			
179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																			
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																			
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																																		
101	740	201	370	Utility filing fee																																																																																																																																																																																																																																																																																			
106	330	206	165	Design filing fee																																																																																																																																																																																																																																																																																			
107	510	207	255	Plant filing fee																																																																																																																																																																																																																																																																																			
108	740	208	370	Reissue filing fee																																																																																																																																																																																																																																																																																			
114	160	214	80	Provisional filing fee																																																																																																																																																																																																																																																																																			
SUBTOTAL (1) (\$)																																																																																																																																																																																																																																																																																							
	Extra	Fee from below	Fee Paid																																																																																																																																																																																																																																																																																				
Total Claims 52 - 31** = 21	X	\$18	= \$378.00																																																																																																																																																																																																																																																																																				
Indep. Claims 4 - 3** = 1	X	\$84	= \$ 84.00																																																																																																																																																																																																																																																																																				
Multiple Dependent			=																																																																																																																																																																																																																																																																																				
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																																		
103	18	203	9	Claims in excess of 20																																																																																																																																																																																																																																																																																			
102	84	202	42	Independent claims in excess of 3																																																																																																																																																																																																																																																																																			
104	280	204	140	Multiple dependent claim																																																																																																																																																																																																																																																																																			
108	84	209	42	**Reissue independent claims over original patent																																																																																																																																																																																																																																																																																			
110	18	210	9	*Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																																																			
SUBTOTAL (2) (\$)					462.00																																																																																																																																																																																																																																																																																		

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.